



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, Third Floor
New York, New York 10007

June 20, 2023

VIA ECF

Hon. Jennifer L. Rochon
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Monaghan v. Mayorkas, et al.*, No. 23 Civ. 1334 (JLR)

Dear Judge Rochon:

This Office represents the defendants (the “government”) in the above-referenced action, in which the plaintiff challenges a prior finding of inadmissibility by U.S. Customs and Border Protection made at a pre-clearance location in Ireland. The Court recently scheduled an in-person initial conference for June 28, 2023. *See* ECF No. 22. I write respectfully to request that the Court adjourn the initial conference until after it decides the government’s motion to dismiss (which was filed today, *see* ECF Nos. 25 & 26), or, in the alternative, permit counsel to attend the conference via telephone rather than in person. The plaintiff’s counsel joins in these requests.

Rescheduling the initial conference is appropriate because the government has already moved to dismiss this action under Federal Rule of Civil Procedure 12(b). *See* ECF No 26. A decision granting the motion to dismiss would obviate the need for any initial conference. And to the extent the Court does not grant the motion to dismiss in full, this is a case brought under the Administrative Procedure Act and should be adjudicated upon an administrative record.


Additionally, if the Court is inclined to proceed with the initial conference as scheduled, I respectfully request that the Court permit counsel to attend the conference via telephone rather than in person. The reason for the request is that I am a Special Assistant United States Attorney who works remotely from Chicago, Illinois.

I thank the Court for its consideration of this request.

The motion to adjourn is denied. The Court will hold the initial conference as planned, but it will proceed by video for all parties. The parties shall submit their contact information as described in the Court's Individual Rules. The public listen-only line may be accessed by dialing Toll-Free Number: 877-336-1831 | Access Code: 5583342. The Court will discuss the joint request for a stay of discovery at that time.

Dated: June 21, 2023
New York, New York

SO ORDERED


JENNIFER L. ROCHON
United States District Judge

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Joshua S. Press
JOSHUA S. PRESS
Special Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (202) 305-0106
E-mail: joshua.press@usdoj.gov
Attorney for Defendants

PAUL O'DWYER
11 Broadway, Ste. 715
New York, New York 10004
Telephone: (646) 230-7444
E-mail: paul.odwyer@paulodwyerlaw.com
Attorney for Plaintiff

cc: Counsel of record (via ECF)